

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of S.W., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20080034-CA
	)	
S.W.,	)	F I L E D
	)	(April 3, 2008)
Appellant,	)	
	)	<span style="border: 1px solid black; padding: 2px;">2008 UT App 116</span>
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Fourth Juvenile District, Provo Department, 528999  
The Honorable Suchada P. Bazelle

Attorneys: Mandy S. Jensen, American Fork, for Appellant  
Mark L. Shurtleff and Carol L.C. Verdoia, Salt Lake  
City, for Appellee  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges Bench, Davis, and McHugh.

PER CURIAM:

S.W. (Mother) appeals the adjudication that her child S.W. is a neglected child in that she was subjected to mistreatment or emotional abuse by Mother. While not challenging any specific finding of fact or conclusion of law, Mother claims that the juvenile court's neglect adjudication was based upon insufficient evidence.

A juvenile court's findings of fact will not be overturned unless they are clearly erroneous. See In re E.R., 2001 UT App 66, ¶ 11, 21 P.3d 680. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. The juvenile court has wide discretion regarding judgments, "based upon not only the court's opportunity to judge credibility firsthand, but also based on the juvenile court judges' 'special training, experience and interest in this field, and . . . devoted . . . attention to such matters.'" Id.

The juvenile court concluded that S.W. is a neglected child in that she was subjected to mistreatment or emotional abuse by Mother. The court supported the conclusion with the following findings. The court found that the relationship between the mother and child was inappropriate due to yelling and screaming, name calling, and boundary issues. Having S.W. check Mother for genital herpes was inappropriate under any circumstance. S.W. was parentified and overly responsible for Mother's care and happiness. Mother was frequently irrational and overly demanding of the people trying to provide her with services. S.W. is manipulated by mother. Therefore, while the court considered S.W.'s testimony, it was not controlling because it was not reliable. The court found that Mother's reactions to S.W.'s carelessness about her room and cleanliness were out of line. There is a "serious disconnect" between Mother's perception of S.W. and her needs and S.W.'s actual condition. Mother's behavior when angry or frustrated is out of control and constitutes verbal and emotional abuse of S.W. The court further found that Mother uses inappropriate techniques in parenting such as yelling and excessive discipline and that Mother has mental health problems that interfere with her ability to parent. The court also found that S.W.'s own mental health needs are being neglected by Mother. Mother did not dispute that she called S.W. names, although she denied use of some of the names alleged in the petition. She contended that the name calling was playful and not harmful. She admitted that she had S.W. check her for genital herpes when S.W. was barely ten. Her own testimony supported that she demanded services from providers that were neither available nor justified.

Our review of the evidence demonstrates that the juvenile court's findings of fact and conclusions of law in support of the neglect adjudication are amply supported. Given the highly deferential standard of review applied to juvenile court decisions, there is no basis for Mother's claim that the adjudication order concluding that S.W. is neglected and within the jurisdiction of the juvenile court is not supported by sufficient evidence.

Affirmed.

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Russell W. Bench, Judge

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge